

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 9942 of 2004

Between:

1. V.Samrajyam, W/o.Penchalaiah, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
2. S.Venkataramana, S/o.Govindu, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
3. S.Venkateswarlu, S/o.Govindu, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
4. S.Gangamma, W/o.Govindu, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
5. J.Rajamma, W/o.Siddaiah, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
6. S.R.Mangamma, W/o.Venkatesu, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
7. J.Sunkamma, W/o.Venkaiah, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.
8. P.Venkatamma, W/o.Rosenna, R/o.CBID ST Colony, Thukivakam Village, Renigunta Mandal, Chittoor Dist.

..... PETITIONERS

AND

1. The Mandal Revenue officer, Renigunta Mandal, Chittoor Dist.
2. The District Collector, Chittoor District, Chittoor.
3. The Superintendent of Police, Chittoor, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents in dispossessing the petitioners from their huts in Plot Nos.1 to 8, Thukivakam Village, Renigunta Mandal, Chittoor District, as being arbitrary, illegal and violative of principles of natural justice apart from violative of Arts.14, 21 and 301A of the Constitution of India and consequently direct the

Respondents not to dispossess the said lands and huts from the petitioners without following due process of law.

Counsel for the Petitioners: MR.P.VENKATA RAO

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following:

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ORAL ORDER:

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Alleging that they were granted house site pattas and that the respondents have been trying to dispossess them by force, without taking steps to cancel the said house site pattas issued to them, the petitioners filed this writ petition. On behalf of respondents, the first respondent, Mandal Revenue Officer, Renigunta Mandal, filed a counter affidavit contending that the house site pattas relied on by the petitioners are fake and are not issued by him.

2. Since the genuineness of the house site pattas allegedly granted by the first respondent is in dispute, question of granting the relief sought by the petitioners, does not arise. The remedy, if any, of the petitioners is to file a suit for declaration of their right in respect of the disputed land, in a Civil Court, because it is the Civil Court to decide whether the house site pattas are genuine or not.

3. Therefore, granting liberty to the petitioners to approach the Civil Court, the writ petition is dismissed. Meanwhile, both parties are directed to maintain status quo as on today, for a period of fifteen (15) days from today, in respect of the disputed land. No costs.

(C.Y.Somayajulu, J.)

Date: 14.02.2005

Cvrk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue officer, Renigunta Mandal, Chittoor District.
2. The District Collector, Chittoor District, Chittoor.
3. The Superintendent of Police, Chittoor, Chittoor District.
4. The Govt. Pleader for Assignment, High Court Buildings, Hyderabad.
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